Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

Incident Information

URN: 010-14648-0466-145	Date: 9/18/10		Time: 0059
Location: 14775 Firestone Boulevard		City or Station: La Mirada	
Bureau/Station/Facility: Field Operations Region I /Norwalk Station		Admin. Investigation: YES ☐ NO ☒	
Type of Force: Significant Force/ Taser, Personal Weapons, Flashlight			
Deputy Injury : YES ☐ NO ☒	Suspect Injury YES ☒ NO ☐		
☐ Call	☒ Observation	☐ Detail	☒ Foot Pursuit ☐ Vehicle Pursuit
IAB Notified: YES ☒ NO ☐	Person Notified: Sgt. David Bly	Emp: [redacted]	IAB Roll Out: YES ☒ NO ☐

Involved Employee

E1

Employee # [redacted]	Last Name: Clinkingbeard	First Name: Ryan	Middle Name: E.
Sex: ☒ Male ☐ Female	Race: White	Unit of Assignment: Norwalk Station	Work Assignment (Unit #, Module, etc.): 49D1
Shift: ☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	Age: [redacted]	Height: 508 / Weight: 170
☐ Injured ☐ Treated ☐ Admitted	Hospital:	Coroner Case #	Directed Force ☐ Significant Force ☒

E2

Employee # [redacted]	Last Name [redacted]	First Name [redacted]	Middle Name [redacted]
Sex: [redacted] Male [redacted] Female	Race: [redacted]	Unit of Assignment: [redacted]	Work Assignment (Unit #, Module, etc.): [redacted]
Shift: ☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	Age: [redacted]	Height: [redacted] / Weight: [redacted]
☐ Injured ☐ Treated ☐ Admitted	Hospital:	Coroner Case #	Directed Force ☐ Significant Force ☒

E3

Employee # [redacted]	Last Name: Velasquez	First Name: James	Middle Name
Sex: ☒ Male ☐ Female	Race: Hispanic	Unit of Assignment: Norwalk Station	Work Assignment (Unit #, Module, etc.): 46T2
Shift: ☒ EM ☐ Day ☐ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	Age: [redacted]	Height: 506 / Weight: 160
☐ Injured ☐ Treated ☐ Admitted	Hospital:	Coroner Case #	Directed Force ☐ Significant Force ☒

☐ **Additional Involved Employees**

On Duty Supervisor

Emp. #	Last Name	First Name	Middle Name	Rank	Present	Witness to Incident
[redacted]	Reveles	Jose		Sgt.	YES ☒ NO ☐	YES ☐ NO ☒
					YES ☐ NO ☐	YES ☐ NO ☐

Watch Sergeant

Emp. #	Last Name	First Name	Middle Name
[redacted]	Ward	Raynard	

Watch Commander

Emp. #	Last Name	First Name	Middle Name
[redacted]	Rivera	Frank	

Watch Commander (**Print Name**) | Watch Commander's **Signature**: | Emp #: | Date

Sergeant Brenda Parker | [redacted]

Supervisor Completing Form: (**Print Name**) | Emp #: | Copy Provided to Employee by: | Emp #:

Unit Commander (**Print Name**) | Unit Commander's **Signature**: | Emp #: | Date

DISCOVERY Use Only

FO#

Hybrid Form SH-R-438P (Rev. 11/07)

Original: Discovery Unit
Copy: Unit Commander

Supervisor's Report on Use of Force
INVOLVED EMPLOYEE - Continuation
010-14648-0466-145

Involved Employee

E 4

Employee #	Last Name	First Name	Middle Name
[redacted]	Perez	Johnny	D.

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	Hispanic	Norwalk Station	45K2

Shift		Age	Height	Weight
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	506	180

	Hospital	Coroner Case #	Force
☐ Injured ☐ Treated ☐ Admitted			Directed Force ☐ Significant Force ☒

E 5

Employee #	Last Name	First Name	Middle Name
[redacted]	Vides	Emma	V.

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☐ Male ☒ Female	Hispanic	Norwalk Station	45K2

Shift		Age	Height	Weight
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	506	130

	Hospital	Coroner Case #	Force
☐ Injured ☐ Treated ☐ Admitted			Directed Force ☐ Significant Force ☐

E 6

Employee #	Last Name	First Name	Middle Name
[redacted]	Martinez	Gregoria	Rodriguez

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☐ Male ☒ Female	Hispanic	Norwalk Station	

Shift		Age	Height	Weight
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	502	130

	Hospital	Coroner Case #	Force
☐ Injured ☐ Treated ☐ Admitted			Directed Force ☐ Significant Force ☒

E 7

Employee #	Last Name	First Name	Middle Name
[redacted]	Claahsen	Mark	S.

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	White	Norwalk Station	

Shift		Age	Height	Weight
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	605	225

	Hospital	Coroner Case #	Force
☐ Injured ☐ Treated ☐ Admitted			Directed Force ☐ Significant Force ☒

E _

Employee #	Last Name	First Name	Middle Name

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☐ Male ☐ Female			

Shift		Age	Height	Weight
☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty			

	Hospital	Coroner Case #	Force
☐ Injured ☐ Treated ☐ Admitted			Directed Force ☐ Significant Force ☐

Supervisor's Report on Use of Force
SUSPECT INFORMATION
010-14648-0466-145

Suspect Information

S 1

Last Name: Kennedy	First Name: Joseph	Middle Name: Frank
AKA Last Name:	First Name:	Middle Name:

Sex: ☒ Male ☐ Female	Race: White	Street Address: [redacted]	City: [redacted]	State & Zip Code: [redacted]

Work Phone: Unknown	Home Phone: Unknown	Age: 48	Height: 5'11	D.O.B. 06/21/1962	Weight: 225	Armed? ☐

Booking #: Primary Charge Code: 243(C)(2)PC Secondary Charge Code: 148.9(a) PC Criminal History ☒

EMT in attendance? ☒ YES ☐ NO Name: Captain Avila Unit: Fire Engine #35 Phone #: None

Hospital Admission? ☐ Rec'd Treatment At: La Palma Intercommunity Hospital Coroner Case #: 2010-06155 Mental History ☐

By Doctor: Dr. Rachel Douglas Address: 7901 Walker St., La Palma, CA 90623 Phone #: (714) 670-7400

Under Influence: ☒ YES ☐ NO Substance: Methamphetamine Intoxication Mental Illness ☐

Suspect Interview

Date: Time: Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☐

Suspect Information

S__

Last Name:	First Name:	Middle Name:
AKA Last Name:	First Name:	Middle Name:

Sex: ☐ Male ☐ Female	Race:	Street Address:	City:	State & Zip Code:

Work Phone:	Home Phone:	Age:	Height:	D.O.B.	Weight:	Armed? ☐

Booking #: Primary Charge Code: Secondary Charge Code: Criminal History ☐

EMT in attendance? ☐ YES ☐ NO Name: Unit: Phone #:

Hospital Admission? ☐ Rec'd Treatment At: Coroner Case #: Mental History ☐

By Doctor: Address: Phone #:

Under Influence: ☐ YES ☐ NO Substance: Mental Illness: ☐

Suspect Interview

Date: Time: Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☐

Suspect Information

S__

Last Name:	First Name:	Middle Name:
AKA Last Name:	First Name:	Middle Name:

Sex: ☐ Male ☐ Female	Race:	Street Address:	City:	State & Zip Code:

Work Phone:	Home Phone:	Age:	Height:	D.O.B.	Weight:	Armed? ☐

Booking #: Primary Charge Code: Secondary Charge Code: Criminal History ☐

EMT in attendance? ☐ YES ☐ NO Name: Unit: Phone #:

Hospital Admission? ☐ Rec'd Treatment At: Coroner Case #: Mental History ☐

By Doctor: Address: Phone #:

Under Influence: ☐ YES ☐ NO Substance: Mental Illness ☐

Suspect Interview

Date: Time: Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☐

☐ Additional Suspects Involved

Supervisor's Report on Use of Force
EMPLOYEE / NON-EMPLOYEE INFORMATION
0 1 0 - 1 4 6 4 8 - 0 4 6 6 - 1 4 5

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
Emp. #	Last Name	First Name	Middle Name
Emp. #	Last Name	First Name	Middle Name
Emp. #	Last Name	First Name	Middle Name
Emp. #	Last Name	First Name	Middle Name
Emp. #	Last Name	First Name	Middle Name

Non-Employee Witnesses

Last Name [redacted]	First Name [redacted]	Middle Name [redacted]		Age [redacted]	D.O.B. [redacted]
Street Address [redacted]	City [redacted]	Zip Code [redacted]	Work Ph. [redacted]	Hom[redacted]	
Last Name	First Name	Middle Name		Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.	
Last Name	First Name	Middle Name		Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.	
Last Name	First Name	Middle Name		Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.	
Last Name	First Name	Middle Name		Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.	
Last Name	First Name	Middle Name		Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.	
Last Name	First Name	Middle Name		Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.	
Last Name	First Name	Middle Name		Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.	
Last Name	First Name	Middle Name		Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.	

☐ Additional Witness

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

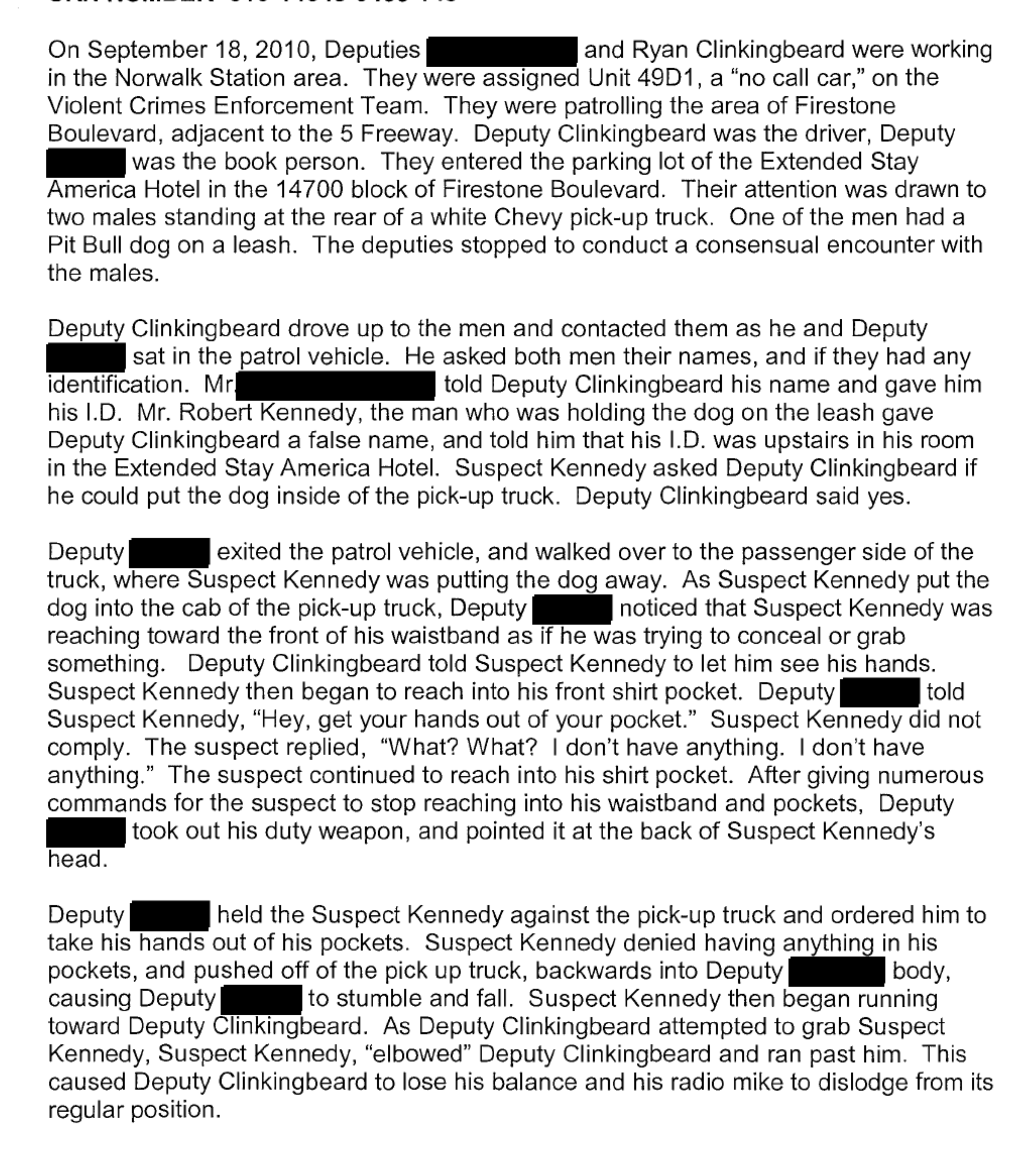
Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Kennedy	S#1	[redacted]	E#1	UC,PP,RS	NN	
Kennedy	S#1	Clinkingbeard	E#2	UC,PH,RS	NN	
[redacted]	E#1	Kennedy	S#1	FL,TR,OO	DH	
Clinkingbeard	E#2	Kennedy	S#1	FL,CT,PH,	DH	
Kennedy	S#1	Velasquez	E#3	UC,PK,RS	NN	
Velasquez	E#3	Kennedy	S#1	FL	DH	
Kennedy	S#1	Perez	E#4	UC,RS	NN	
Perez	E#4	Kennedy	S#1	CT	DH	
Kennedy	S#1	Vides	E#5	UC,RS	NN	
Vides	E#5	Kennedy	S#1	CT,RH	DH	
Kennedy	S#1	Martinez (Rodriguez)	E#6	UC,RS	NN	
Martinez (Rodriguez)	E#6	Kennedy	S#1	CT	DH	
Kennedy	S#1	Claahsen	E#7	UC,RS	NN	
Claahsen	E#7	Kennedy	S#1	CT,RH	DH	



INVESTIGATIVE SUMMARY
USE OF FORCE - PERSONAL WEAPONS
IAB CASE NUMBER- FO2273934
URN NUMBER -010-14648-0466-145

On September 18, 2010, Deputies [redacted] and Ryan Clinkingbeard were working in the Norwalk Station area. They were assigned Unit 49D1, a "no call car," on the Violent Crimes Enforcement Team. They were patrolling the area of Firestone Boulevard, adjacent to the 5 Freeway. Deputy Clinkingbeard was the driver, Deputy [redacted] was the book person. They entered the parking lot of the Extended Stay America Hotel in the 14700 block of Firestone Boulevard. Their attention was drawn to two males standing at the rear of a white Chevy pick-up truck. One of the men had a Pit Bull dog on a leash. The deputies stopped to conduct a consensual encounter with the males.

Deputy Clinkingbeard drove up to the men and contacted them as he and Deputy [redacted] sat in the patrol vehicle. He asked both men their names, and if they had any identification. Mr [redacted] told Deputy Clinkingbeard his name and gave him his I.D. Mr. Robert Kennedy, the man who was holding the dog on the leash gave Deputy Clinkingbeard a false name, and told him that his I.D. was upstairs in his room in the Extended Stay America Hotel. Suspect Kennedy asked Deputy Clinkingbeard if he could put the dog inside of the pick-up truck. Deputy Clinkingbeard said yes.

Deputy [redacted] exited the patrol vehicle, and walked over to the passenger side of the truck, where Suspect Kennedy was putting the dog away. As Suspect Kennedy put the dog into the cab of the pick-up truck, Deputy [redacted] noticed that Suspect Kennedy was reaching toward the front of his waistband as if he was trying to conceal or grab something. Deputy Clinkingbeard told Suspect Kennedy to let him see his hands. Suspect Kennedy then began to reach into his front shirt pocket. Deputy [redacted] told Suspect Kennedy, "Hey, get your hands out of your pocket." Suspect Kennedy did not comply. The suspect replied, "What? What? I don't have anything. I don't have anything." The suspect continued to reach into his shirt pocket. After giving numerous commands for the suspect to stop reaching into his waistband and pockets, Deputy [redacted] took out his duty weapon, and pointed it at the back of Suspect Kennedy's head.

Deputy [redacted] held the Suspect Kennedy against the pick-up truck and ordered him to take his hands out of his pockets. Suspect Kennedy denied having anything in his pockets, and pushed off of the pick up truck, backwards into Deputy [redacted] body, causing Deputy [redacted] to stumble and fall. Suspect Kennedy then began running toward Deputy Clinkingbeard. As Deputy Clinkingbeard attempted to grab Suspect Kennedy, Suspect Kennedy, "elbowed" Deputy Clinkingbeard and ran past him. This caused Deputy Clinkingbeard to lose his balance and his radio mike to dislodge from its regular position.

Both deputies chased the Suspect Kennedy while Deputy [redacted] broadcast over his handheld radio that they had a possible person with a gun running from them, and they were at the extended Stay Hotel.

IAB Note: The other man, Mr. [redacted] was left behind unattended, near the deputies patrol vehicle which was still running, and still had the keys in the ignition.

The suspect ran from the white pick up truck, northbound through the south parking lot of the Extended Stay America Hotel while continuing to manipulate his waistband. Both deputies believed the suspect was armed with a gun. The suspect then turned left, and ran westbound through the east parking lot. He continued westbound toward the north parking lot. The deputies lost sight of the suspect as he turned the corner and headed southbound toward the north parking lot. The suspect then ducked between two parked cars. The suspect re-emerged at the west end of the east parking lot after doubling back and running through the shrubbery. He then collided with Deputy [redacted] Both the suspect and Deputy [redacted] fell to the ground where a struggle ensued.

IAB Note: See Exhibit "A," page 152, sketch of area depicting where Deputies Clinkingbeard and [redacted] chased Suspect Kennedy from the white pick up truck (A) through the parking lots of the Extended Stay Hotel.

Deputy [redacted] took his flashlight out and struck Suspect Kennedy on his knees several times. Deputy Clinkingbeard arrived and assisted Deputy [redacted] with attempting to restrain Suspect Kennedy, and pull his left arm from underneath his body.

Suspect Kennedy was lying on his stomach with both of his hands tucked underneath his body. The deputies struggled to pull his arms from underneath his body so they could handcuff the suspect. Once they pulled one of the suspect's arms from underneath his body, he flailed the free arm and kicked his legs wildly as he threatened to kill both deputies. Suspect Kennedy ignored the deputies' numerous commands to let them see his hands and to stop resisting.

Deputy [redacted] kneed the suspect on the left side of his ribs and continued to give numerous commands for Suspect Kennedy to stop resisting and let them see his hands. Suspect Kennedy did not comply. Suspect Kennedy stated numerous times that he was on parole, and said "I'm gonna fuckin' kill you guys."

Suspect Kennedy was able to get to his knees, on all fours, and lift both deputies off the ground. The deputies were able to use their body weight to get the suspect back on the ground. However, the suspect was so strong, that he continued to lift deputies [redacted] and Clinkingbeard off of the ground. Deputy [redacted] communicated to Deputy Clinkingbeard that he was going to tase the suspect. From approximately one foot

away, Deputy [redacted] pointed his taser at Suspect Kennedy's exposed back and tased him. One taser dart struck Suspect Kennedy in his lower back, but had no effect on him. Suspect Kennedy continued to fight and threaten the deputies.

Deputy [redacted] then used his taser to drive stun Suspect Kennedy approximately four times. The drive stuns had no effect on the suspect. Deputies [redacted] and Clinkingbeard continued to struggle with the suspect and give numerous commands for him to stop fighting. The suspect did not comply. He continued to try and get up from the ground. Deputies [redacted] and Clinkingbeard struggled with the suspect for approximately four minutes and struggled to restrain him.

Deputy [redacted] drew his 9mm Beretta, pointed it at Suspect Kennedy's head, and ordered him, "Let me see your hands. Let me see your hands." Suspect Kennedy still did not comply. Instead, Suspect Kennedy reached over and grabbed the barrel of Deputy [redacted] gun. Deputy Jaquez fought for his gun and said he could feel the gun start to "Chamber check," and his gun was off safe. Deputy [redacted] yelled to Deputy Clinkingbeard, "He's got my gun, he's got my gun." Fearing that Suspect Kennedy was going to kill his partner, Deputy Clinkingbeard drew his 9mm Beretta and pointed it at Suspect Kennedy's head. He did not shoot because Deputy [redacted] was blocking his shot with his body. Before Deputy Clinkingbeard could get a clear shot, Deputy [redacted] was able to gain control of his gun. Both deputies re-holstered their guns because both of the suspect's hands were now exposed.

Within seconds, Suspect Kennedy put his hands back into his waistband and Deputies [redacted] and Clinkingbeard continued to struggle with the suspect. Deputy [redacted] warned Deputy Clinkingbeard that he was going to tase the suspect again. Deputy [redacted] used his taser and drive stunned Suspect Kennedy several more times. The taser had no effect. The suspect continued to fight and would not take his hand from inside his waistband.

Deputies Velasquez, Rodriguez (Martinez), Perez, Vides, and Clausen arrived and joined Deputies [redacted] and Clinkingbeard in attempting to restrain Suspect Kennedy. The deputies were able to get Suspect Kennedy handcuffed and hobbled. Deputies [redacted] and Clinkingbeard turned Suspect Kennedy on his sides and searched him for weapons. After searching Suspect Kennedy, Deputy Clinkingbeard discovered Suspect Kennedy was not breathing.

IAB Note: See Deputy [redacted] IAB transcript, page 26, paragraph 2 where he describes what was done after Suspect Kennedy was handcuffed and hobbled, and Deputy Clinkingbeard's IAB transcript, page 19 paragraph 2 where he discovers Suspect Kennedy is not breathing.

IAB Note: At the time of the incident, Deputy Martinez was Deputy Rodriguez. She has since changed her name.

Deputies removed the handcuffs and began to administer CPR. Los Angeles County Fire Department personnel arrived, took over CPR and provided medical aide. Suspect Kennedy was transported to La Palma Inter-community Hospital, where he was pronounced dead.

According to the LA County Coroner's Autopsy report, the cause of death was due to the combined effect of methamphetamine intoxication, hypertensive arteriosclerotic cardiovascular disease, and restraint maneuvers.

While canvassing the area for evidence, K-9 Sergeant Lee #[redacted] located a plastic baggie containing an off white crystalline substance resembling methamphetamine and a plastic bindle containing a black tar-like substance resembling heroin. No guns or other weapons were found at the crime scene or on Suspect Kennedy's person.

INVOLVED PERSONNEL

CLINKINGBEARD, Ryan #[redacted]
Field Operations Region III
Norwalk Station

Work History:
Date of Employment: 03/23/2005
Date Assigned to Patrol: [redacted]
Date Completed Patrol Training: [redacted]
Prior Founded Force Incidents: [redacted]



[redacted] #[redacted]
Field Operations Region III
[redacted]

Work History:
Date of Employment: [redacted]
Date Assigned to Patrol: [redacted]
Date Completed Patrol Training: [redacted]
Prior Founded Force Incidents: [redacted]

PEREZ, Johnny #[redacted]
Field Operations Region III
Norwalk Station

Work History:
Date of Employment: 02/11/2002
Date Assigned to Patrol: [redacted]
Date Completed Patrol Training: [redacted]
Prior Founded Force Incidents: [redacted]

VIDES, Emma #[redacted]
Field Operations Region III
Norwalk Station

Work History:
Date of Employment: 02/06/2006
Date Assigned to Patrol: [redacted]
Date Completed Patrol Training: [redacted]
Prior Founded Force Incidents: [redacted]

Velasquez, James #[redacted]
Field Operations Region III
Norwalk Station

Work History:
Date of Employment: 05/18/1989
Date Assigned to Patrol: [redacted]
Date Completed Patrol Training: [redacted]
Prior Founded Force Incidents[redacted]

MARTINEZ (RODRIGUEZ), Gregoria
Field Operations Region III
Norwalk Station

Work History:
Date of Employment: 01/07/2002
Date Assigned to Patrol: [redacted]
Date Completed Patrol Training: [redacted]
Prior Founded Force Incidents: [redacted]

CLAAHSEN, Mark # [redacted]
Field Operations Region III
Norwalk Station

Work History:

Date of Employment: 12/03/1986
Date Assigned to Patrol: [redacted]
Date Completed Patrol Training: [redacted]
Prior Founded Force Incidents: [redacted]

SUSPECT

KENNEDY, Joseph Frank MW/ 06/21/1962

[redacted]

DECEASED

CIVILIAN WITNESSES


[redacted] MW/ [redacted]

INJURIES

Suspect Kennedy sustained contusions and abrasions on his head and extremities, two taser punctures on the lower left side of his back, focal neck soft tissue hemorrhage, and petechia in eyes.

No deputies were injured.

> **IAB Note: See Exhibit "A" pages 154 and 155 for more details on Suspect Kennedy's injuries.**

PHYSICAL EVIDENCE

Refer to Exhibit "A" pages 67-68

INVESTIGATOR OBSERVATIONS

The crime scene was located in the parking lot of the Extended Stay America Hotel located at 14775 Firestone Boulevard in the city of La Mirada. The hotel is situated on

the northwest corner of Trojan Way and Firestone Boulevard. The hotel has a parking lot on all sides with doors facing in all directions. The front door to the lobby is located on the east side in the center of the hotel. The hotel does not have video surveillance of the parking lot. The area surrounding the crime scene is predominately commercial and industrial businesses.

As we participated in the scene walk through with Homicide Detectives, we saw a white 2004 Chevrolet Silverado extended cab with a license number of [redacted] parked facing south at a slight angle across a parking space line taking up two parking spaces. A black and white patrol car with the ID number of SD5563 was parked directly behind the white truck facing west. The passenger door was completely open and both windows were in the down position. Approximately one hundred yards northeast of the truck, and just outside of the northeast doors of the hotel, paramedic paraphernalia was scattered near the handicap ramp. Personal items such as a baseball cap, shoes and a cell phone were lying on the handicap ramp. Two patrol cars were parked facing north and adjacent to the area of the paramedic paraphernalia. We also observed a planter area which was situated along the north wall of the hotel between the parked cars and wall. We observed that shrubs in this area had recently been smashed down as if someone ran through the planter.

WEAPONS USED BY DEPUTY PERSONNEL

Deputy [redacted] used his flashlight, Taser, and personal weapons (hands and control holds). Deputy Clinkingbeard used his flashlight and personal weapons (hands and control holds).

WEAPONS USED BY THE SUSPECTS

Suspect Kennedy used personal weapons (hands, feet).

PROPERTY DAMAGE

None

CRIMINAL INVESTIGATOR/CHARGES FILED

None

LIGHTING AND WEATHER CONDITIONS

The incident occurred at 0059 Hours. It was dark outside and the parking lot was well lit with lights scattered throughout the entire parking lot. The weather was very cold.

INVOLVED EMPLOYEE STATEMENTS

CLINKINGBEARD, Ryan

Deputy Clinkingbeard said he and his partner Deputy [redacted] were patrolling the Extended Stay Hotel. He was the driver, Deputy [redacted] was the book person. He said they pulled in behind a white truck and one of the two males standing near the truck was holding a large Pit Bull on a leash.

> **IAB Note: See Exhibit "B," photograph depicting position of where Deputy Clinkingbeard stopped the patrol vehicle.**

He said they pulled up alongside the men and started a, "Casual conversation" with them. He said he asked them if they were staying at the hotel and if they were from around the area. He said he asked the men their names, and the man that was holding the Pit Bull on the leash gave a name that he could not spell. When asked to spell the name, the man stumbled through the spelling and asked if he could put the dog in the truck. Deputy Clinkingbeard said yes.

Deputy Clinkingbeard said he stayed seated in his patrol vehicle and continued talking with the other man, as the man with the Pit Bull walked to the passenger side of the truck to put the dog inside. He said Deputy [redacted] exited the patrol vehicle and walked over to the man who was putting the dog away. He said he heard Deputy [redacted] yelling "Get your hands out of your pockets." He said he exited the patrol vehicle and walked toward the back of the truck where Deputy [redacted] was. He said he saw Deputy [redacted] take his gun out and continue to repeat, "Get your hands out of your pocket." He said Deputy [redacted] re-holstered his gun and attempted to grab the suspect. The suspect pushed backwards into Deputy [redacted] causing Deputy [redacted] to fall to the ground.

Deputy Clinkingbeard said the man, later identified as Suspect Kennedy, ran directly toward him. He said he tried to grab the suspect but the suspect elbowed him, causing him to lose his balance. He said the suspect knocked his radio microphone off of his uniform shirt. Deputy Clinkingbeard said he saw the suspect reaching into his waistband so he ran after him. He said he looked back, saw that Deputy [redacted] was about twenty feet behind him and yelled to him, "Put out 417 suspect." He said the suspect had already knocked him back, had already knocked into [redacted] and he

believed the suspect had a gun.

Deputy Clinkingbeard said they chased the suspect northbound through the parking lot. He said the suspect went westbound, around the side of the hotel. He said he ran wide without turning the corner so he could keep a constant visual on the suspect. He said he lost sight of the suspect when the suspect ran halfway through the parking lot and hid between parked cars. He said he and his partner never lost sight of one another. Deputy Clinkingbeard said after stopping for a moment, he heard "Trekking" in the nearby plants. He said he realized that it was the suspect doubling back and running through the bushes. Deputy Clinkingbeard said he yelled to Deputy [redacted] that the suspect was running toward him.

IAB Note: See Exhibit "A," page 152, sketch of area depicting entire crime scene.

Deputy Clinkingbeard said he saw Deputy [redacted] and Suspect Kennedy collide with one another. Deputy [redacted] was able to restrain the suspect on the ground. Deputy Clinkingbeard said when he arrived in the area where they were, the suspect was face down on the ground with both of his hands tucked underneath his body. He said he told the suspect, "Stop fighting, put your hands behind your back." He said he tried to pull the suspect's right arm from underneath his body but the suspect would not comply. The suspect reached into his waistband and started yelling, "I'm on parole, I'm gonna fucking kill you. I'm going to kill you."

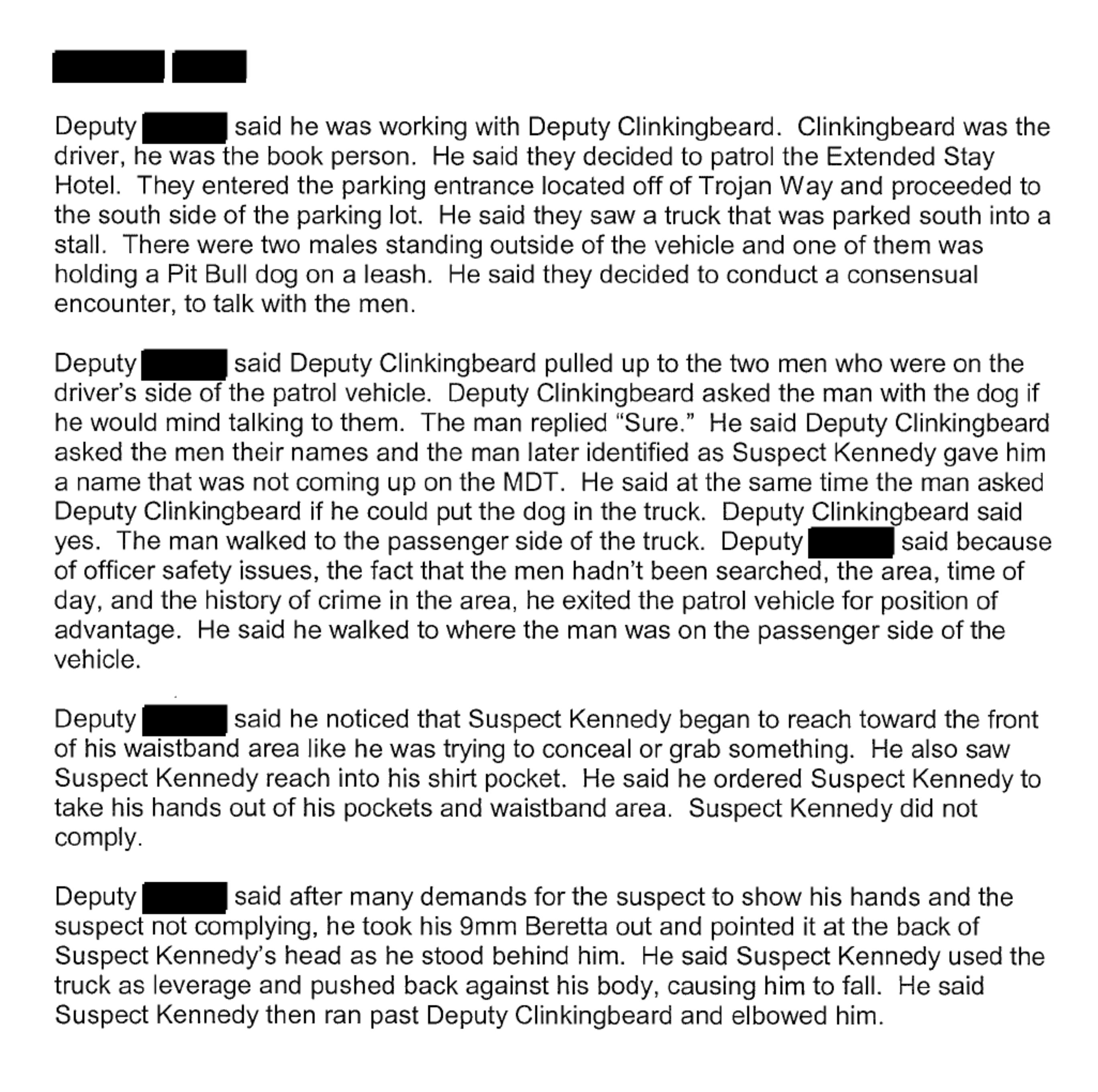
Deputy Clinkingbeard said he hit the suspect's right elbow with his flashlight approximately four to five times, which had no effect. He said Deputy [redacted] pulled out his gun and pointed it at the suspect's head. He said the suspect reached over and grabbed the barrel of Deputy [redacted] gun and started pulling it down. He said Deputy [redacted] yelled, "He's got my gun, he's got my gun!" Deputy Clinkingbeard said he pulled out his gun and tried to aim at the suspect because he thought the suspect was going to kill Deputy [redacted] He said he could not get a good aim because Deputy [redacted] body was blocking his shot. He said as he was attempting to aim, Deputy [redacted] was able to gain control of his gun.

Deputy Clinkingbeard said he saw both of the suspect's hands go to the ground, and both he and Deputy [redacted] holstered their guns. He said as soon as they holstered their guns, the suspect put his hands back under his body in his waistband area. He said he heard Deputy [redacted] say,"I'm gonna taser, taser." He said he replied, "Tase him, tase him," as he continued to try to pull the suspect's right arm from underneath his body. He said he heard Deputy [redacted] say, "Taser," then he heard the "clicking" of the taser going off. He did not see the taser darts come out. He said the suspect still had his hands in his waistband and continued to fight.

Deputy Clinkingbeard said other patrol units arrived. He said that Deputy Claahsen

helped him pull the suspect's arm from underneath his body and other deputies were able to handcuff him. Deputy Clinkingbeard said he rolled the suspect over after other deputies were done searching and noticed the suspect's eyes were halfway open and he was blue. He said he heard Lieutenant Rivera say "Un-handcuff him and let's start CPR."

IAB NOTE: Refer to Deputy Clinkingbeard's verbatim transcripts for more details.



[redacted] [redacted]

Deputy [redacted] said he was working with Deputy Clinkingbeard. Clinkingbeard was the driver, he was the book person. He said they decided to patrol the Extended Stay Hotel. They entered the parking entrance located off of Trojan Way and proceeded to the south side of the parking lot. He said they saw a truck that was parked south into a stall. There were two males standing outside of the vehicle and one of them was holding a Pit Bull dog on a leash. He said they decided to conduct a consensual encounter, to talk with the men.

Deputy [redacted] said Deputy Clinkingbeard pulled up to the two men who were on the driver's side of the patrol vehicle. Deputy Clinkingbeard asked the man with the dog if he would mind talking to them. The man replied "Sure." He said Deputy Clinkingbeard asked the men their names and the man later identified as Suspect Kennedy gave him a name that was not coming up on the MDT. He said at the same time the man asked Deputy Clinkingbeard if he could put the dog in the truck. Deputy Clinkingbeard said yes. The man walked to the passenger side of the truck. Deputy [redacted] said because of officer safety issues, the fact that the men hadn't been searched, the area, time of day, and the history of crime in the area, he exited the patrol vehicle for position of advantage. He said he walked to where the man was on the passenger side of the vehicle.

Deputy [redacted] said he noticed that Suspect Kennedy began to reach toward the front of his waistband area like he was trying to conceal or grab something. He also saw Suspect Kennedy reach into his shirt pocket. He said he ordered Suspect Kennedy to take his hands out of his pockets and waistband area. Suspect Kennedy did not comply.

Deputy [redacted] said after many demands for the suspect to show his hands and the suspect not complying, he took his 9mm Beretta out and pointed it at the back of Suspect Kennedy's head as he stood behind him. He said Suspect Kennedy used the truck as leverage and pushed back against his body, causing him to fall. He said Suspect Kennedy then ran past Deputy Clinkingbeard and elbowed him.

Deputy [redacted] said both he and Deputy Clinkingbeard chased Suspect Kennedy, and he put out their location on the radio. He said they lost sight of the suspect because the suspect ran around a corner. The suspect then doubled back through the bushes and collided with him. He said both he and the suspect fell to the ground and a struggle ensued. Deputy [redacted] said he took out his flashlight and struck the suspect several times below his knees. He said Deputy Clinkingbeard caught up with them and they all struggled on the ground. He said the suspect was lying on his stomach with both of his hands underneath his body. He said he was on the left side of the suspect's upper arm area and Deputy Clinkingbeard was on the right side.

Deputy [redacted] said he was trying to pull the suspect's left arm from underneath his body as the suspect kicked and fought with them. He said he put away his flashlight and kneed the suspect on the left side of his ribs. The suspect would not take his hands from underneath his body. The suspect started to get up on all fours, picking both deputies off the ground. They were able to use their body weight and force him to the ground. Deputy [redacted] said because of the suspect's phenomenal strength, and lack of cooperation, he decided to tase the suspect. He first fired the taser from approximately one foot away from the suspect's back. He said only one prong connected, causing the taser to be ineffective. He then "contact tased" the suspect.

Deputy [redacted] said the "contact tase" did not have any effect on Suspect Kennedy. Deputy [redacted] said he put his taser away, took out his 9mm Beretta, and pointed it at the back of Suspect Kennedy's head. He ordered Suspect Kennedy to stop fighting and to let them see his hands. The suspect refused to comply. Deputy [redacted] said the suspect then reached over the back of the suspect's head and grabbed the barrel of [redacted] gun. Deputy [redacted] yelled to Deputy Clinkingbeard that the suspect had his gun. He said he could see the gun's slide go forward, so he clicked the gun's safety on.

> **IAB Note: See Exhibit "C," photograph of position Deputy [redacted] carried his taser.**

Deputy [redacted] said he was able to gain control of his gun from Suspect Kennedy as Deputy Clinkingbeard gained control of Suspect Kennedy's right hand. Deputy [redacted] said he re-holstered his gun, retrieved his taser, and started tasing Suspect Kennedy on his lower back area. He said he then retrieved his handcuffs, at which time Suspect Kennedy's hand "went back underneath his front waistband area. He said he started hitting Suspect Kennedy on the back of his legs with the handcuffs in order to gain compliance. He said he was able to get the handcuff on the suspect's left hand but the suspect kept fighting. Deputy [redacted] said he started tasing the suspect again.

Deputy [redacted] said that after about four minutes of fighting with Suspect Kennedy, assisting units arrived. He said Deputy Vides was trying to maintain control of suspect Kennedy's feet, while Deputy Perez helped him maintain control of the suspect's left hand and cuff it to his right hand. He said the suspect was still fighting and kicking and he heard someone say "Hobble his feet." He said assisting deputies hobbled the suspect's feet. Deputy [redacted] said when the suspect's feet were hobbled, "He finally

calmed down."

Deputy [redacted] said he and another deputy flipped the suspect on his side and started checking for weapons. He said although the suspect was not "Tarped," he was still checking his pulse on his neck and felt that his pulse was really rapid. He said he placed him on his side so he could get air. Deputy Clinkingbeard said after searching, he walked to where the suspect had been running to see if he could determine if a gun or anything had been tossed by the suspect.

IAB NOTE: Refer to Deputy [redacted] verbatim transcripts for more details.

VELASQUEZ, James

Deputy Velasquez said when he arrived at the location, he saw Deputies [redacted] and Clinkingbeard on the driveway just outside the east door from the hotel trying to detain and handcuff the suspect. He said he pulled his car next to their position. He said he saw Deputy [redacted] on the left side of the suspect and Clinkingbeard was on the right side. He exited his patrol vehicle. He saw the suspect kicking his legs. He said the suspect looked like he was trying to get out of their grasp. He said he went for his legs to try to restrain him from kicking.

Deputy Velaquez said while he was restraining Suspect Kennedy's legs, the suspect kicked loose and almost kicked him in his head. Deputy Velasquez took out his flashlight and hit the suspect four to five times on his left calf area. He said he regained control of the suspect with his arms around both of the suspect's legs. He said the suspect was resistive, failed to comply with the order to put his hands behind his back, and was combative. He said the suspect was moving around and yelling, but he was too busy trying to hang on to the suspect's legs, that he does not know what the suspect was yelling.

Deputy Velasquez said other units arrived, and at some point he noticed Deputy [redacted] had a taser in his right hand. He said he saw the wires and heard the taser being utilized. He said he does not know how many times it was applied because he was restraining the suspect's legs. He said someone asked for a hobble at one point. Deputy Martinez (Rodriguez) had a hobble. She pulled it out. He said they were able to get the suspect's feet up, and hobble his legs about the ankle. He said at about the same time or a little bit after, they were able to handcuff the suspect.

IAB NOTE: Refer to Deputy Velasquez's verbatim transcripts for more details.

MARTINEZ, Gregoria (Rodriguez)

Deputy Martinez said when she arrived on the northeast corner of the hotel, she saw the suspect laying on his stomach and Deputies [redacted] and Clinkingbeard trying to keep him down. She said she started helping Deputy [redacted] pull the suspect's arm

from underneath his body. She then helped Deputy Velasquez restrain the suspect's legs by putting her foot down on the back of the suspect's legs and using her body weight. She heard Deputy [redacted] utilize the taser two times but only saw him do one "body shot."

IAB Note: In her supplementary report, Deputy Martinez said she saw Deputy [redacted] give Suspect Kennedy two direct contact shots on the left side of Suspect Kennedy's middle back.

She said after being tased, the suspect was still kicking and trying to get up from the ground. She said she retrieved her hobble restraint, and she and Deputy Velazquez put the hobble restraint around Suspect Kennedy's ankles. She said Suspect Kennedy was hobbled and stopped moving around. She said that Deputies Claahsen, Velazquez, Perez and Vides left to search for a gun and second suspect. She stayed to assist Deputy Clinkingbeard in conducting a thorough search of the suspect as he laid hobbled and handcuffed on the ground. As she searched Suspect Kennedy's body, she noticed that he was non-responsive. She went to her patrol vehicle to retrieve a CPR mask. When she returned, the LA County Fire Department had arrived and were treating the suspect.

IAB NOTE: Refer to Deputy Martinez's verbatim transcripts for more details.

PEREZ, Johnny

Deputy Perez said when he arrived on the Northeast side of the Extended Stay Hotel, he saw multiple deputies on the ground struggling with Suspect Kennedy, trying to gain control of him. He said he grabbed Suspect Kennedy's left forearm, pulled it out from underneath his body, and placed it behind his back. He said once the suspect was secured with the handcuffs, he took off in search of a second suspect.

IAB NOTE: Refer to Deputy Perez's verbatim transcripts for more details.

VIDES, Emma

Deputy Vides said when she arrived on seen with her partner Deputy Perez, she saw the suspect laying on the ground facing down, surrounded by a couple of deputies. The suspect was trying to get away, moving from side to side, fighting and kicking his legs. She said she ran toward the suspect and held his lower back down. She said she heard someone say, "We need another set of cuffs." She said she took out her handcuffs to cuff the suspect's left hand. She said she saw another set of cuffs on the suspect's right hand already. She said the suspect was cuffed by putting both set of handcuffs together. She said she then heard someone say that there was still another

suspect and an outstanding gun. She said she left that location and walked toward the north side of the building and started looking for the gun.

IAB NOTE: Refer to Deputy Vides' verbatim transcripts for more details.

CLAAHSEN, Mark

Deputy Claahsen said when he arrived at the incident there were four deputies struggling with the suspect on the ground. He said he exited his patrol car and took hold of the suspect's right arm. He forced the suspect's right arm behind his back and attached it to a second handcuff that was on his left hand. He said he saw Deputy [redacted] use his Taser to drive stun the suspect twice in the lower left flank of his back. He said the Taser did not seem to have any affect on Suspect Kennedy. He said once the suspect was handcuffed, he moved to the north parking lot so he could view the westside of the parking lot, checking for a weapon.

IAB NOTE: Refer to Deputy Claahsen's verbatim transcripts for more details.

<u>**WITNESS STATEMENTS**</u>

[redacted]

Witness [redacted] said he and Suspect Kennedy were outside talking in the parking lot of the Extended Stay Hotel. He said "Joe" was showing him how to hold his [redacted]) dog on the leash so he could get better control on it. He said deputies drove up to them and asked what they were doing, and if they were guest at the hotel. He said the deputy driving the car made the initial contact with them and immediately got out of the car.

IAB Note: Deputy Clinkingbeard said he was inside of the patrol vehicle until Deputy [redacted] approached Suspect Kennedy at the passenger side of the white truck.

Witness [redacted] said he gave the deputy his identification, but Suspect Kennedy told the deputy that his ID was upstairs in the room. He said there seemed to be a discrepancy about the "middle name" that Suspect Kennedy had given the deputies. Witness [redacted] believed the deputy was attempting to input Suspect Kennedy's name and identifying information into their computer.

Witness [redacted] said Suspect Kennedy took it upon himself to put his dog inside the truck. He said "the other officer that was riding shot-gun" (referring to Deputy [redacted] who was the book person) said "What are you reaching for?" Suspect Kennedy replied, "Nothing, nothing." He said Suspect Kennedy finally got the dog in the car and he and

Deputy [redacted] started scuffling. He said they moved over in front of the officers car and both of the deputies got involved with trying to subdue Suspect Kennedy. Witness [redacted] said Suspect Kennedy was fighting. He said Deputy [redacted] fell and Suspect Kennedy took off running.

Witness [redacted] said the Deputies chased Suspect Kennedy. He said he sat down on the curb, and they all ran out of his sight. He said he did not see anything because he was sitting behind the truck. He said he sat there and did not move because he did not have any reason to run. He said it was approximately eight minutes before anyone approached him after the incident.

IAB NOTE: Refer to Witness [redacted] verbatim transcripts for more details.

SUSPECT STATEMENTS

KENNEDY, Joseph

No statements; suspect is deceased.

INVESTIGATIVE SUMMARY
USE OF FORCE - PERSONAL WEAPONS
IAB CASE NUMBER- FO2273934
URN NUMBER -010-14648-0466-145

This addendum is to clarify information at the direction of the Executive Force Review Committee.

On January 24, 2013, IAB Investigator Sergeant Brenda Parker spoke with Dr. Yulai Wang M.D., Medical Examiner for the Los Angeles County Coroner's Office and Investigator Dietz, Coroner Investigator for the Los Angeles County Coroner's Office. Both officers provided clarifying information regarding the findings of the Coroner Report number 2010-06155. The report indicated that the cause of Mr. Joseph Kennedy's death was a combined effect of Methamphetamine Intoxication, Hypertensive Arteriosclerotic Cardiovascular Disease, and Restraint Maneuvers. The Coroner's report also indicated that the injuries suffered by Suspect Kennedy were two needle punctures to his lower back, contusions and abrasions on his head and extremities, Minimal left subdural hemorrhage, Focal neck soft tissue hemorrhage and Conjunctival petechiae in his eyes.

Investigator Dietz told IAB Investigator Sergeant Parker that Conjunctival petechiae in the eyes could be caused by methods other than strangulation or some sort of compression about the neck. He explained that petechiae in the eyes is not one-hundred percent caused by strangulation. Investigator Dietz said some other causes of petechiae are brain stem injuries, which could be caused by strokes, and congestive heart failure. Dr. Wang agreed with this assessment. However, Dr. Wang said he believed that it is highly unlikely in this situation that the petechiae in Mr. Kennedy's eyes were caused by a brain stem injury or heart failure. Dr. Wang said he was speculating, and did not have any evidence that the petechiae in Mr. Kennedy's eyes occurred during the struggle with the deputies on September 18, 2010.

Dr. Wang said that petechiae in the eyes can last anywhere from two days to one week. He said it depends upon the severity of the injury. Dr. Wang said he had no way of proving that the petechiae injury occurred during the struggle with the deputies on September 18, 2010.

Dr. Wang told Sergeant Parker that the Focal neck soft tissue hemorrhage injury that was sustained by Suspect Kennedy was an internal injury. He said the injury was more than likely caused by some type of compression on the suspect's neck. He said he believed the injury was fresh, however, he had no means of measuring how long the injury had been there, and if the injury was caused by deputies as they struggled with Suspect Kennedy. Dr. Wang said that since this was an internal injury, there was no way that Suspect Kennedy could have bled externally from this wound. When asked where the blood at the scene came from, Dr. Wang said that the blood came from the

contusions and abrasions that Suspect Kennedy sustained on his head and extremities during his struggle with the deputies.

Dr. Wang defined "Restraint Maneuvers" as the multiple factors of physical exertion experienced by Suspect Kennedy. Those factors included: struggling with the weight of several deputies on top of his body; being on the ground face down; being handcuffed and hobbled, coupled with Methamphetamine Intoxication and Hypertensive Arteriosclerotic Cardiovascular Disease. Dr. Wang said the totality of these factors put a strain on Suspect Kennedy's heart.